

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TIFFANY WARD,

Plaintiff,

v.

NEW SUN INTERNATIONAL TRAVEL,
INC., ABC CORPORATION, AND JOHN
DOE (the latter two names fictitious as their
true identities are not now known),

Defendant.

CIVIL ACTION NO.

NOTICE OF REMOVAL

To: The Honorable Judges of the United States District Court of the District of New Jersey:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, defendant New Sun International Travel, Inc. (hereinafter "Defendant") hereby files this Notice of Removal of the said case from the Superior Court of New Jersey Law Division, Middlesex County, where it is currently pending as Docket No. MID-L-01724-17, to the United States District Court for the District of New Jersey, and invokes the jurisdiction of this Honorable Court on the following grounds:

1. This civil action was commenced by plaintiff, Tiffany Ward (hereinafter "Plaintiff"), on March 20, 2017 and is pending in the Superior Court of New Jersey Law Division, Middlesex County, Docket No. MID-L-01724-17. A true and correct copy of the Civil Action Complaint is attached hereto and marked as Exhibit "A."

2. Plaintiff's Complaint was served upon Defendant on April 17, 2017. See Exhibit "B."

3. Defendant is filing this Notice of Removal within thirty days of April 17, 2017 and less than thirty days after service of Plaintiff's Complaint upon the Defendant. *See* 28 U.S.C. § 1446(b)(1). Additionally, more than one year has not expired since the commencement of this action. *See* 28 U.S.C. § 1446(c)(1).

4. Plaintiff seeks damages for "severe personal injuries" that occurred "on or around October 10, 2016" when a motor vehicle owned by Defendant was "carelessly and negligently operated by its agent, servant, employee, and/or with its permission by the defendant, John Doe, such that it struck the plaintiff's vehicle." *See* Exhibit "A," ¶¶1-3. At the time of the accident, the plaintiff had been driving eastbound on Woodbridge Avenue "at or near the intersection with Amboy Avenue in Edison, New Jersey." *See* Exhibit "A," ¶¶1. Plaintiff alleges that "[a]s a result of the carelessness and negligence of the defendants as aforesaid, Plaintiff sustained severe personal injuries, has and will suffer pain, has and will incur medical expense, and has and will be unable to engage in her usual occupation and activities, all to her damage." *See* Exhibit "A," ¶3. Plaintiff is seeking damages, interest, and cost of suit. *See* Exhibit "A."

5. Upon information and belief the amount in controversy exceeds \$75,000.00. *See* 28 U.S.C. § 1332(a).

6. Plaintiff avers in her Complaint that she is a citizen of State of New Jersey. *See* Exhibit "A," ¶1. Plaintiff resides at 29 Albany Street, Edison New Jersey. *See* Exhibit "A."

7. Defendant is a Massachusetts corporation with a principal place of business based in the Commonwealth of Massachusetts.

8. Defendant is not a citizen of the State of New Jersey as Defendant is not incorporated nor has a principal place of business in New Jersey, the state of Plaintiff's domicile.

9. Therefore, this lawsuit is removable from the State Court to the District Court pursuant to 28 U.S.C. §§ 1332 and 1441.

10. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Defendant prior to the filing of this Notice of Removal are attached. *See* Exhibit “A.”

11. Pursuant to 28 U.S.C. § 1446(d), Defendant is serving a copy of this Notice of Removal on Plaintiff. Notice of the filing of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey Law Division, Middlesex County. *See* Exhibit “C.”

WHEREFORE, Defendant, New Sun International Travel, Inc., hereby requests that this action be removed from the Superior Court of New Jersey Law Division, Middlesex County to the United States District Court for the District of New Jersey.

Respectfully submitted,

LAVIN, O'NEIL, CEDRONE & DISIPIO

BY: 

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DATED: May 10, 2017